

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
DINO N. THEODORE,)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO.: 05-10314RGS
)	
)	
DEMOULAS SUPER MARKETS,)	
INC.,)	
Defendant)	
_____)	

MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT

The plaintiff, Dino N. Theodore, now moves pursuant to Fed. R. Civ. P. 15 for leave of Court to file a *Second Amended Complaint and Jury Claim*. As grounds for his motion, the plaintiff states that on September 30, 2005, he filed *Plaintiff's Report to the Court Regarding Federal Question Jurisdiction* with a supporting *Affidavit of Dino N. Theodore*. In the affidavit, Mr. Theodore said:

"I will request the Court's permission to amend my complaint again to delete references to barriers that have been removed since the complaint was filed and to add allegations regarding the men's rest room door and the lunch counter."

Mr. Theodore respectfully requests that he now be permitted to file a *Second Amended Complaint* that conforms to the evidence as provided in Fed. R. Civ. P. 15(b). As grounds therefore, Mr. Theodore respectfully states that leave shall be freely given when, as in this instance, justice so requires. Fed. R. Civ. P. 15(a).

WHEREFORE, the plaintiff prays that his motion will be granted.

Respectfully submitted,
The Plaintiffs, DINO N. THEODORE,

By his Attorneys,

/s/Nicholas S. Guerrero
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DATED: 4/10/06

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail pursuant to Mass. R. Civ. P. 5.

Dated: 4/10/06

/s/Nicholas S. Guerrero
Nicholas S. Guerrero